

Michigan State Waterways Commission  
Minutes of October 14, 2005

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Regular Meeting

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Port Huron Municipal Building  
City Council Chambers  
Port Huron, Michigan

A regular meeting of the Michigan State Waterways Commission was called to order by Acting Chairman Curtis Hertel, Sr. at 9:02 a.m. on Friday, October 14, 2005, at the City Council Chambers, Port Huron, Michigan. The following Commissioners were present:

Curtis Hertel, Sr., Acting Chairman  
Bryan Amann  
Bob Brown  
Janet Mansfield  
Carol B. Oakley  
Todd Wyett

Commissioner Denny Bailey was excused.

Chief Deputy Dennis Fedewa, Parks and Recreation Division Chief Ron Olson, and other Department of Natural Resources (Department) staff were present.

Acting Chairman Hertel welcomed guests and the Commission's two new members: Mr. Bryan Amann and Mr. Bob Brown.

Outgoing Commission Members:

MOTION: Commissioner Todd Wyett moved that the Waterways Commission formally thank and recognize outgoing Commission members Mr. David Giffin and Mr. John Winn. The Department was asked to prepare the appropriate tribute for the outgoing members of the Commission for presentation at the December meeting. The motion was seconded by Commissioner Carol Oakley and carried unanimously.

Acting Chairman Hertel thanked Port Huron's Harbormaster Dan Collins and Personnel Director John Berry, for Thursday's tour and their hospitality.

Minutes:

**August 5, 2005**

MOTION: Commissioner Mansfield moved to approve the minutes of the August 5, 2005 Michigan State Waterways Commission meeting. The motion was seconded by Commissioner Oakley and the minutes were unanimously approved.

Public Appearances:

This item was delayed until later in the agenda.

Old Business:

**Project Status Report**

Due to Mr. Bill Boik's absence from this meeting, Mr. Paul Petersen provided an update regarding current projects as follows:

- The design consultants are moving ahead with the final design for the Charlevoix (a grant in aid [GIA] facility) project. Full funding is not in place as yet.
- The Army Corps of Engineers (Corps) and Department of Environmental Quality (DEQ) permit for the Cross Village (a GIA facility) boating access site was denied. The township is working to resolve this problem.
- The dredging projects at DeTour, East Tawas, and Lac LaBelle should be completed by the end of the season.
- The boating access site project at Crystal Lake has been delayed due to litigation. A meeting is scheduled on October 18, 2005 with the Department of Attorney General and local supporters in an attempt to agree on next steps for the project.
- An information meeting was held on August 31, 2005 to review the proposed concept plan for the boating access site at Walloon Lake.
- The south breakwater at Mackinaw City State Harbor has been completed and work is progressing on the north breakwater.
- A preliminary engineering project is underway at Port Austin State Harbor, which consists of parking lot improvements and seawall construction.
- The Manistee Marina (a GIA facility) project has been completed. This included pier height adjustment and installation of barrier-free gas and pump-out facilities.
- The project at Grand Marais Harbor (a GIA facility) is complete and consisted of walkway removal, installation of a new guardrail, utility work, and new gravel.
- The boating access site at Long Lake (in Clare County) underwent ramp replacement and rip rap installation.
- The project at Muskallonge Lake (in Montcalm County) boating access site included ramp relocation, rip rap installation, site grading, and the installation of vault toilet facilities.
- The US 131 boating access site is located next to a Michigan Department of Transportation (MDOT) rest area and is on MDOT property. This project is complete and included ramp installation and paving.

- The completed project at First Street Marina (a GIA facility) in Manistee County included ramp extension, a new skid pier, and skid pier extension.

Acting Chairman Hertel asked about the nature of the denial with regard to the Cross Village project. He also requested that the staff member in charge (Jordan Byelich) contact him to provide follow-up information.

### **Operations Status Report**

Mr. Harold Herta provided an update on operations.

A spreadsheet was distributed to the Commissioners showing a breakdown of transient boaters, by facility, for the past three years. Overall, powerboat use was down this year, while there was an increase in sailboat use. This was attributed to increased fuel costs. Commissioner Wyett noted that, although powerboat numbers were down, the average length of stay increased over the previous year.

The Village of Lexington is interested in obtaining the State's rights to Lexington Harbor. The terms for this to occur were laid out in their lease. Three appraisers are required: one selected by the Village, one selected by the Department, and one agreed upon by both of the other appraisers. The Village is required to pay a percentage based on the State's interest in the facility, and they have 120 days to do so. The amount owed by the Village is \$2,000,000. If payment is not made by the scheduled date (February 9, 2006), the facility reverts back to the State for ten years. This harbor is under a lease agreement rather than being a GIA facility.

There are Federal criteria that must also be addressed. The Corps built the breakwater, which allowed Lexington to become a harbor of refuge. This means that Lexington must remain a harbor of refuge in perpetuity. The Land and Water Conservation Fund provided money for this harbor, so it must remain open for public use. The harbor also has an obligation to the U.S. Fish and Wildlife Service that cannot be repaid. Staff is working on a plan to transfer this encumbrance to an unencumbered harbor.

### **Standing Committee Reports**

There were no standing committee reports.

### **New Business:**

#### **Harrisville Harbor Request**

The Harrisville request has been withdrawn.

#### **Muskegon Request**

The Hartshore Marina in Muskegon is requesting the ability to use fixed docks for the third and final phase of their project. The planning for this work was done several years ago and this is the third and final phase. Staff recommends allowing the use of fixed piers in this situation.

MOTION: Commissioner Oakley made a motion to approve the Muskegon request as recommended by staff. Commissioner Amann seconded the motion and it carried unanimously.

### **Escanaba Variance Request**

The City of Escanaba variance request seeks to allow an individual, who is licensed to tow boats in distress, to have a slip at the standard (rather than commercial) rate. The Department views this as a public service and safety issue and recommends seasonal dockage for this vessel at the standard rate.

MOTION: Commissioner Oakley moved that the variance be approved as staff recommended, with the addition of financial information from the individual in the required annual report. Commissioner Mansfield seconded the motion and it was unanimously approved.

### **Grand Haven Variance Request**

Grand Haven's variance request is in regard to several special events at their marina. The slips for these events may be held until one month prior to each event. If at that time the slips are not reserved for event participants, they must be made available to the general public. Staff recommends approval of this variance request.

MOTION: Commissioner Mansfield moved to approve this request as staff recommends. The motion was seconded by Commissioner Oakley and it carried unanimously.

### **Port Austin Variance Request**

The Port Austin variance request is with regard to the slip used by Captain Davis for the Miss Port Austin. Captain Davis conducts fishing and sightseeing tours and was allowed a \$2,000 rate last year, because of the lack of amenities at this slip. He is making the same request this year. Staff thinks this should go back to standard policy and would like to offer a rate of \$2,370, which is half the difference between the \$2,000 rate and the normal commercial rate (\$2,700). Captain Davis would like the rate to stay at \$2,000 until the slip is upgraded.

MOTION: Commissioner Wyett moved to set the rate for this slip at \$2,000 for one year. The motion was seconded by Commissioner Mansfield and carried unanimously. The annual financial reporting requirements remain in place.

### **Caseville Variance Request**

The Village of Caseville request consists of a fee differential for their seasonal rates. They would like to charge a higher rate for boats that are 30 feet and under and those 31 to 40 feet. Boats 41 feet and over would be charged a flat fee of \$2,500. Department staff supports the proposal.

MOTION: Commissioner Oakley moved to approve the request as staff recommends. Commissioner Mansfield seconded the motion and it carried unanimously.

### **Proposed Format Change for Action Items**

The Commission would like to adopt the proposed resolution format for action items with a few additions. Each resolution will be numbered and will include the Commissioner making and seconding the motion, as well as the voting record.

### **Garfield Township Variance Request**

The Garfield Township request is to allow their seasonal fees to be charged at Rate Area 4 or below (Garfield Township is in Rate Area 3). Staff would like to deny this portion of their request, but encourages them to offer the package they offered last year (boaters are charged for five days, but allowed to stay for seven). The Township also wants to charge fees at their launch site. Staff does not object to this as long as the fees are not tied to residency status. Commissioner Amann had some questions about their capacity. Since no one was present from Garfield Township, this item was tabled to the December meeting. Mr. Herta will seek supporting documentation from the Township.

### **2006 Capital Outlay Projects Resolution**

Commissioner Oakley requested that resolutions be distributed to the Commission with their packets prior to each meeting.

MOTION: Commissioner Oakley moved to adopt the proposed list of capital outlay projects for 2005-2006. Commissioner Mansfield seconded the motion and it carried. Commissioners Amann and Brown abstained from voting, as they were not present for the discussion of this item at previous meetings.

### **2007 Capital Outlay Projects Resolution**

The proposed Capital Outlay Project list for 2006-2007 was tabled to the December meeting.

### **Budget Review**

Chief Deputy Dennis Fedewa provided an update on the budget. The attempt to use Harbor Development funds for operating expenses of the Parks and Recreation Division did not end up in the final version of the budget. The operating bill has been passed, but the capital outlay bill for 2005-2006 has yet to be approved. Chief Deputy Fedewa offered to provide a budget orientation for the two new Commissioners (and any other Commissioners who would like to attend), with budget staff prior to the next meeting (December 9, 2005).

### **Boating Access Sites**

Ms. Anna Sylvester, of the Parks and Recreation Division, provided an informational PowerPoint presentation on boating access sites. The material gave an overview on field activities. The Commissioners will be supplied with a map showing GIA facilities and those owned by the State.

Public Appearances:

Port Huron's Harbormaster Dan Collins reviewed the annual report provided to the Commission. He gave an update regarding slip rentals of various types, and the volunteer worker program utilized at the Water Street Marina. The Acheson Foundation has recently offered to purchase the Water Street Marina. The possible sale of this property will be on the November 8, 2005 ballot in Port Huron. The Foundation's stated purpose is to continue to utilize the property as a marina. Commissioner Wyett suggested the City consider reducing their rates or increasing the amenities offered at the marina. He also stated that the State's interest in GIA facilities should be recorded.

Ms. Robin Abshire, Harbormaster for the City of South Haven, reminded the Commission that the Michigan Boating Industry Association (MBIA) annual conference is coming up next month at the Radisson in Kalamazoo. The Harbormasters would welcome the presence of any Commissioners at MBIA's conference, and invited Chief Deputy Dennis Fedewa to provide a budget presentation. South Haven's City Manager wants to hire private individuals to run the municipal marinas (two of the four are GIA facilities). Ms. Abshire believes that any request for proposal related to the GIA marinas would have to come to the Commission for approval. Commissioner Hertel requested that she submit a written request to the Commission for clarification.

Mr. John Lechner spoke to the Commission with regard to a recent court settlement. Commissioner Amann understands Mr. Lechner's desire to talk about this case, but reminded him that the Commission serves in an oversight capacity. This item was not a matter for the Commission to address as it is an advisory body.

This meeting of the Michigan State Waterways Commission adjourned at 10:50 a.m.

**Handouts Presented to the  
Michigan State Waterways Commission at the  
October 14, 2005 Meeting**

- Laminated map of Grand Marais Harbor (with letter from Burt Township Supervisor Lee Durwachter)
- Letter of support for Harrisville from State Senator Tony Stamas
- Letter from Resource Deputy Mindy Koch regarding the Lexington Marina
- Spreadsheet regarding transient boaters use of facilities
- Letter from Port Huron's Harbormaster Dan Collins providing a report on the city's marinas
- Packet of material regarding the proposed Walloon Lake boating access site
- Status report of active Waterways projects (dated October 7, 2005)
- Spreadsheet entitled : Boating Capital Outlay Project Summary (dated October 12, 2005)
- Packet of material regarding the FY 2006-2007 capital outlay project list
- Revised member list for the Michigan State Waterways Commission